

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FILED IN CLERK'S OFFICE
U.S.D.C. - Atlanta

JAN 05 2011

JAMES M. HATTEN, Clerk
By: *[Signature]* Deputy Clerk

NOEL BRALLEY, et al.,

Plaintiffs,

v.

MARK A. CAREY, et al.,

Defendants.

1 11.MI-U002
CIVIL ACTION FILE

NO. 3:10-CV-00138-RFP
(Pending in the Eastern District
of Virginia, Richmond Division)

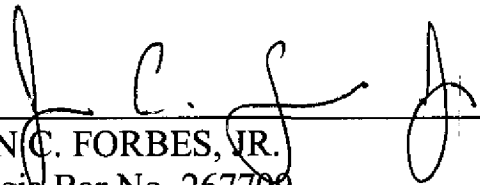
WBH

**NONPARTY VANDENBERG, CHASE AND ASSOCIATES,
LLC'S MOTION TO QUASH SUBPOENA TO PRODUCE
DOCUMENTS, INFORMATION OR OBJECTIONS OR
TO PERMIT INSPECTION OF PREMISES IN CIVIL ACTION
AND MOTION FOR SANCTIONS**

NOW COMES Vandenberg, Chase and Associates, LLC (hereinafter "VCA"), a nonparty in the above-captioned action, by and through its counsel, and respectfully moves the Court, pursuant to Rule 45(c)(3) and Rule 45(c)(1) of the Federal Rules of Civil Procedure, for an order granting this Motion to Quash the Subpoena to Produce Documents, Information or Objects or to Permit Inspection of Premises in a Civil Action (the "Subpoena") issued by Plaintiffs for the stated purposes of commanding VCA, on January 5, 2011, at 3 p.m. in Atlanta, Georgia, to produce and permit for inspection and copying the documents listed in the Subpoena, a true and correct copy of which is attached hereto as Exhibit "A," and

for an order sanctioning the Plaintiffs for deliberately avoiding undue burden and expense on a person subject to a subpoena.

Respectfully submitted, this 5th day of January, 2011.



JOHN C. FORBES, JR.
Georgia Bar No. 267709

Attorney for Vandenberg, Chase and
Associates, LLC

1200 Buckhead Crossing
Suite A
Woodstock, GA 31089
(866) 374-6613

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of Georgia

Noel Bralley, et al.

Plaintiff

v.

Mark A. Carey, et al.

Defendant

Civil Action No. 3:10cv138

(If the action is pending in another district, state where:

Eastern District of Virginia)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Vandenberg, Chase and Associates, LLC

Bryan M. Knight, Registered Agent, 1100 Peachtree St., Suite 800, Atlanta, GA 30309

☒ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material: See Attachment A.

Place: Kris Skaar, Esquire, Skaar & Feagle, LLP
331 Washington Ave., NE
Marietta, GA 30060 770-427-5600

Date and Time:

01/05/2011 3:00 pm

☐ **Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: Dec 6, 2010

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) Plaintiffs Noel Bralley, Carolyn Bralley and Braxton Bralley, who issues or requests this subpoena, are:

Dale W. Pittman, The Law Office of Dale W. Pittman, P.C., 112-A W. Tabb Street, Petersburg, VA 23803,
dale@pittmanlawoffice.com, 804-861-6000

Exhibit A

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 3:10cv138

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of

\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Attachment A

Instructions and Definitions

1. This request shall be deemed continuing so as to require supplementary answers if you obtain further information between the time information is produced and the time of trial.
2. For this request, the term "document" means any written, recorded, or graphic matter whether produced, reproduced or stored on papers, cards, tapes, belts, or computer devices or any other medium in your possession, custody or control, or known by you to exist, and includes all originals, and all prior drafts. It includes all original business records, non-identical copies, computations, memoranda of oral or telephone conversations, tabulations, records of correspondence, notes made on other documents, microfilms, etc.

Documents and Things Requested

1. Any employment contracts or other contracts, agreements, memoranda, or other documents or things of any kind or character, omitting nothing therefrom, related in any way to any employment or other working relationship at any time from January 1, 2007 through the present by or between Vandenberg Chase and Associates, LLC, or any person or entity affiliated therewith, and The Law Offices of Mark A. Carey, P.C., or Mark A. Carey, or anyone else associated in any way with either The Law Offices of Mark A. Carey, P.C., or Mark A. Carey.
2. All invoices ever received by Vandenberg Chase and Associates, LLC, or anyone on its behalf, from anyone specifying services provided to or requesting payment from Vandenberg Chase and Associates, LLC, to or for the benefit of either The Law Offices of Mark A. Carey, P.C., or Mark A. Carey.

3. All checks or other means of payment ever made by or on behalf of Vandenberg Chase and Associates, LLC, or any person or entity affiliated therewith, or anyone on its behalf, to or for the benefit of either The Law Offices of Mark A. Carey, P.C., or Mark A. Carey.

Respectfully submitted,
Noel Bralley
Carolyn Bralley
Braxton Bralley
By Counsel



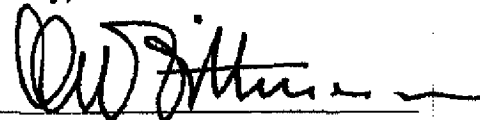
Dale W. Pittman, VSB#15673
Counsel for Noel Bralley, Carolyn Bralley
and Braxton Bralley
THE LAW OFFICES OF DALE W. PITTMAN, P.C.
112-A W. Tabb Street
Petersburg, VA 23803
(804) 861-6000
(804) 861-3368 (FAX)
dale@pittmanlawoffice.com

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of December, 2010, I sent the foregoing electronically and by U.S. Mail, postage prepaid, to the following:

Robert R. Musick, Esquire
THOMPSON McMULLAN, P.C.
100 Shockhoe Slip
Third Floor
Richmond, VA 23219

Counsel for Defendants Mark A. Carey and
The Law Offices of Mark A. Carey, P.C.

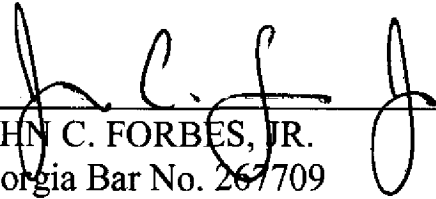

Dale W. Pittman

CERTIFICATE OF SERVICE

This is to certify that I have this day served all parties in the foregoing action with the foregoing Nonparty Vandenberg, Chase and Associates, LLC's Motion to Quash Subpoena to Produce Documents, Information or Objections or to Permit Inspection of Premises in Civil Action and Motion for Sanctions by depositing a copy of same in the United States Mail, with adequate postage thereon, properly addressed as follows:

Dale W. Pittman
112-A W. Tabb Street
Petersburg, Virginia 23803

This 5th day of January, 2011.



JOHN C. FORBES, JR.
Georgia Bar No. 267709

Attorney for Vandenberg, Chase and
Associates

1200 Buckhead Crossing
Suite A
Woodstock, GA 31089
(866) 374-6613